

REMARKS

Upon entry of this amendment, claims 2, 3, 5, 7, 8, 39-43, 45-48, 52-57, 59-62, and 65-72 will be pending in the application. Claims 2, 8, 42, 43, 45, and 53 have been amended. Support for the amendments can be found in the original claims and throughout the specification as-filed. Claims 49-51 and 63-64 have been canceled. No new matter has been added.

Rejections under 35 U.S.C. § 112, second paragraph

Claim 43 is rejected as indefinite. Claim 43 has been amended to recite that the TRADE polypeptide is homologous to a polypeptide. Applicants request that this rejection be reconsidered and withdrawn.

Claims 49, 53, and 63 are rejected as indefinite in reciting “native TRADE α polypeptide”. Claims 49 and 63 have been canceled. Claim 53 has been amended to delete recitation of “native”.

Claim 53 is also rejected as indefinite because there is no antecedent basis for the term “agent”. Claim 53 has been amended to delete recitation of “agent”.

Claims 70 and 72 are rejected as indefinite for not clearly referencing a TRADE polypeptide. Claim 2, from which claims 70 depends, has been amended to recite contacting a cell having a TRADE polypeptide comprising SEQ ID NO: 2 with a soluble form of a TRADE polypeptide. Similarly, claim 53, from which claim 72 depends, has been amended to require contacting a cell having a TRADE polypeptide comprising SEQ ID NO: 2 with a soluble form of a TRADE polypeptide comprising the extracellular domain of a TRADE α polypeptide. Applicants request that this rejection be reconsidered and withdrawn.

Claims 53-57, 59-68, 71, and 72 are rejected as indefinite in reciting “stringent”. Claims 63 and 64 have been canceled.

Claim 53, from which claims 54-57, 59-62, 65, 68, 71, and 72 depend, has been amended to recite stringent hybridization conditions. Specifically, claim 53 has been amended to require that the extracellular domain is encoded by a polynucleotide that hybridizes in 6X sodium chloride/sodium citrate (SSC) at 45°C, followed by one or more washes in 0.2 X SSC, 0.1% sodium dodecyl sulfate (SDS) at 50-65°C to the complement of nucleotides 1-504 of SEQ ID NO:1. Support for this amendment can be found at least on page 36, lines 9-12 of the specification.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 49, 53, and 63 are rejected as failing to comply with the written description requirement. Claims 49 and 63 have been canceled.

Claim 53 has been amended to require contacting a cell having a TRADE polypeptide comprising SEQ ID NO: 2 with a soluble form of a TRADE polypeptide comprising the extracellular domain of a TRADE α polypeptide, which the Examiner has acknowledged complies with the written description requirement.

Claims 2, 3, 5, 7, 8, 39-43, 45-57, and 59-72 are rejected for lack of enablement. Claim 2, from which claims 3, 5, 7, 8, 39-43, 45-48, 52, 66, 67, 69, and 70 depend, directly or indirectly, has been amended to recite a method for inhibiting activation of an NFkB signaling pathway in a cell by contacting a cell having a TRADE polypeptide comprising SEQ ID NO: 2 with a soluble form of a TRADE polypeptide in an amount sufficient to inhibit the activation of an NFkB signaling pathway in the cell, wherein inhibition of NFkB signaling inhibits apoptosis of the cell, which the Examiner has acknowledged complies with the enablement requirement.

Similarly, claim 53, from which claims 54-57, 59-62, 65, 68, 71, and 72 depend, directly or indirectly, has been amended to require contacting a cell having a TRADE polypeptide comprising SEQ ID NO: 2 with a soluble form of a TRADE polypeptide comprising the extracellular domain of a TRADE α polypeptide, which the Examiner has acknowledged complies with the enablement requirement. Moreover, as described above, claim 53 has been amended to recite stringent hybridization conditions. Specifically, claim 53 has been amended to require that the extracellular domain is encoded by a polynucleotide that hybridizes in 6X sodium chloride/sodium citrate (SSC) at 45°C, followed by one or more washes in 0.2 X SSC, 0.1% sodium dodecyl sulfate (SDS) at 50-65°C to the complement of nucleotides 1-504 of SEQ ID NO:1.

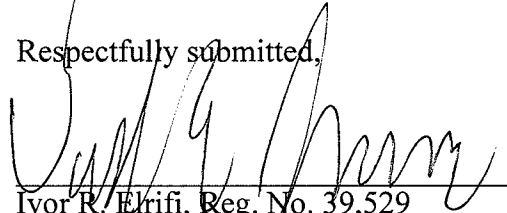
It is believed this overcomes the rejection.

Applicants submit herewith a petition for a one-month extension of time along with the appropriate fee. This Response is due on or before September 28, 2009 with the one-month extension of time.

Applicants believe that no additional fees are due in connection with the filing of this Response. However, the Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of the same, to Deposit Account No. 50-0311, Reference No. 22058-569001US.

On the basis of the foregoing amendments and remarks, Applicants submit the pending claims are in condition for allowance.

Respectfully submitted,



Ivor R. Elrifi, Reg. No. 39,529
David E. Johnson, Reg. No. 41,874
Attorney for Applicants
c/o MINTZ, LEVIN
Tel: (617) 542-6000
Fax: (617) 542-2241
Customer No.: 30623

Dated: September 10, 2009